

PATENT COOPERATION TREATY

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MINNICH & MCKEE, LLP

From the INTERNATIONAL SEARCHING AUTHORITY

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:
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UNITED STATES OF AMERICA

Date of mailing (day/month/year)	24/05/2005
PAYMENT DUE	within ONE MONTH from the above date of mailing
International filing date (day/month/year)	23/04/2004

Applicant's or agent's file reference

MED 2 1324PCT

International application No.

PCT/US2004/012744

Applicant

STERIS INC.

1. This International Searching Authority

- (i) considers that there are 4 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 3 = EUR 4.650
Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____
The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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Alex Schmidt

DOCKETED

INVITATION TO PAY ADDITIONAL FEES

International application No.

PCT/US2004/012744

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-29

A method of deactivating a pathogenic chemical agent by subjecting the pathogenic chemical agent to a peroxide and a nitrogen compound of formula $NR_1R_2R_3$ where R_1 , R_2 , R_3 are H or alkyl group.

2. claims: 30-40, 46-53

A method and an apparatus of deactivating a biologically active substance by subjecting it to a mixture of a strong oxidant and an alkaline compound both in a gaseous form.

3. claim: 41

A method for decontamination of an item contaminated with GD, the method characterized by contacting the item in an enclosure with a vapor containing a peroxide and ammonia

4. claims: 42-45

A method of deactivating a pathogenic chemical compound by forming a peroxide vapor and increasing the pH of the vapor with a pH-increasing compound.

The common concept linking together the independent claims is the deactivation of a pathogenic chemical agent by contacting this pathogenic chemical agent by a mixture containing a peroxide. From document US 6245957 it is known that chemical warfare agents are neutralised by contacting these with a composition containing peroxide. This composition can be in solid, liquid, spray or vapor form (see col. 2, lines 4-61 and col. 3, lines 1-8). Accordingly the common concept linking the independent claims of the application is not novel. The independent claims define 4 different inventions not linked by a single general inventive concept. The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Annex Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No
PC1/US2004/012744

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
 see 'Invitation to pay additional fees'
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 03/090875 A (STERIS, INC) 6 November 2003 (2003-11-06) claims	1-29
X	US 5 998 691 A (ABEL ET AL) 7 December 1999 (1999-12-07)	1, 2, 6-9, 25, 26, 28
Y	column 5, lines 45-67 column 6, line 61 - column 7, line 5 column 10, lines 34-59 column 13, lines 1-26 column 19, lines 30-34 claims 15-17	1, 3-5
Y	US 6 245 957 B1 (WAGNER GEORGE W ET AL) 12 June 2001 (2001-06-12) cited in the application column 3, lines 1-8	1, 3-5
Y	US 2003/045767 A1 (BROWN JERRY S) 6 March 2003 (2003-03-06) column 1R, lines 15-27, 44-61 column 2L, lines 20-2137-50	1-29
Y	DD 300 472 A (VEB KUNSTBLUME SEBNITZ) 17 June 1992 (1992-06-17) claims & DD 326 735 B2 (VEB KUNSTBLUME SEBNITZ) 7 May 1992 (1992-05-07) claims	1-29
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

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Annex Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No
PCT/US2004/012744

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FR 2 766 724 A (IRDEC SA) 5 February 1999 (1999-02-05) page 4, lines 22-30; claims 1,7,12	1,2
A	EP 1 291 040 A (KABUSHIKI KAISHA KOBE SEIKO SHO) 12 March 2003 (2003-03-12)	

Patent Family Annex
Information on patent family members

International Application No
PCT/US2004/012744

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03090875	A	06-11-2003	AU 2003231130 A1 CA 2482667 A1 EP 1496999 A1 WO 03090875 A1 US 2004057868 A1	10-11-2003 06-11-2003 19-01-2005 06-11-2003 25-03-2004
US 5998691	A	07-12-1999	AU 1741897 A CN 1201399 A CZ 9801301 A3 EA 980437 A1 EG 21172 A EP 0880378 A1 HR 960526 A1 TR 9800822 T2 WO 9718858 A1 ZA 9609144 A	11-06-1997 09-12-1998 16-12-1998 29-10-1998 31-12-2000 02-12-1998 28-02-1998 21-08-1998 29-05-1997 30-10-1998
US 6245957	B1	12-06-2001	NONE	
US 2003045767	A1	06-03-2003	NONE	
DD 300472	A		NONE	
DD 326735	B2	07-05-1992	NONE	
FR 2766724	A	05-02-1999	FR 2766724 A1	05-02-1999
EP 1291040	A	12-03-2003	CN 1403215 A EP 1291040 A2 JP 2003185399 A RU 2236881 C2 US 2003050525 A1	19-03-2003 12-03-2003 03-07-2003 27-09-2004 13-03-2003